

SEP 14 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN A. MCKNIGHT,

Defendant - Appellant.

No. 06-30244

D.C. No. CR-97-00042-1-DWM

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted September 11, 2006**

Before: PREGERSON, T. G. NELSON, and GRABER, Circuit Judges

John McKnight appeals the sentence imposed following the revocation of his supervised release. He contends that the district court violated his Sixth Amendment rights in imposing a prison term on the basis of facts neither admitted

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

nor proved to a jury beyond a reasonable doubt. As McKnight concedes, this contention is foreclosed by *United States v. Huerta-Pimental*, 445 F.3d 1220 (9th Cir. 2006). We therefore affirm his sentence.

AFFIRMED.